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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,455

01/15/2004

Charles O. Townley

THUMB-604DIV

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09/23/2008

EXAMINER

PELLEGRINO, BRIAN E

ART UNIT

PAPER NUMBER

3738

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10758455	1/15/04	TOWNLEY, CHARLES O.	THUMB-604DIV

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EXAMINER

Brian E. Pellegrino

ART UNIT	PAPER
3738	20080918

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Commissioner for Patents

With respect to Applicant's request 9/15/08 to consider the information disclosure statement filed 8/27/07 fails to comply with 37 CFR 1.97(c) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered. The IDS was filed after a FINAL and an Examiner considers an IDS when they comply having both a statement and a fee. In this application, no fee was submitted.

In response to Applicant's request to withdraw an objection to claim 27 for being a substantial duplicate of claim 38, a further review of the claims has been done by the Examiner and it was determined there was a sufficient distinction that the scope was different and thus the objection to claim 27 has been withdrawn by the Examiner.

/Brian E Pellegrino/
Primary Examiner, Art Unit 3738